

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

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SHELLY MARTIN, et al.

Docket No. 11-2561(FLW)

Plaintiff,

-against-

ATLANTICARE, et al.

**CERTIFICATION IN SUPPORT OF
MOTION TO BE RELIEVED AS
COUNSEL**

Defendant.

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BRIAN M. DRATCH, duly sworn deposes as says:

1. I am an attorney at law of the State of New Jersey and an associate with the firm of Franzblau Dratch, P.C., the current attorneys for the plaintiff in the above matter. I am the attorney in the firm primarily responsible for the handling of this matter.
2. I make this Certification in support of Franzblau Dratch, P.C.'s motion to be relieved as counsel for the plaintiffs.
3. The Court is fully familiar with the facts and circumstances of this case and the entire history need not be repeated here.
4. Suffice it to say, this matter was originally filed by the law firm of Costello and Mains.
5. Due to a conflict, the court ordered that Costello and Mains could no longer represent the plaintiffs.
6. Franzblau Dratch, P.C. was substituted in as counsel in this matter.

7. Discovery has taken place which included the exchange voluminous documents and the taking of five depositions.

8. Following the completion of discovery, defense counsel served plaintiffs with a Rule 11 motion.

9. As was stated at the last conference prior to the July 18, 2012 order, the plaintiffs were made aware of the potential consequences of a Rule 11 motion if a finding by a Court that a complaint is frivolous.

10. The plaintiffs are not pleased at all with my efforts.

11. I informed my clients that it did not appear that they would be able to prove the necessary elements of racial discrimination by the defendant and that a voluntary dismissal would be appropriate.

12. The plaintiffs agreed, however, they requested that the dismissal be without prejudice, to which defense counsel disagreed.

13. Defense counsel has now filed the Rule 11 motion. I again wrote to my clients and reiterated the potential consequences of the motion. The plaintiffs believe that this is harassment as per there August 22, 2012 letter to the Court.

14. Clearly, there has been a breakdown in the attorney client relationship. The plaintiffs no longer want me to be there attorney and I have no objection to same.

15. When my competency is called into question as the plaintiffs have so stated, I would usually vigorously defend same, in this case, my better judgment indicates that this motion to withdraw is the most appropriate course of action. I know that my efforts were genuine and that my clients rights for just compensation was vigorously pursued.

16. For all of the foregoing reasons, I request that the motion be granted.

I hereby certify that the above statements made by me are true. I am aware that if any of the above statements made by me are willfully false, I am subject to punishment.

BRIAN M. DRATCH

Dated: August 24, 2012